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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,570	07/23/2001	David Kenneth Blanchard	52646-00306USPT	6110

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EXAMINER
SHAPIRO, JEFFERY A

ART UNIT	PAPER NUMBER
3653	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	09/911,570	BLANCHARD, DAVID KENNETH
	Examiner	Art Unit	
	Jeffrey A. Shapiro	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12/14/06*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-56* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-56* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kolls (US 6,643,623 B1) in view of Meier. Kolls discloses Applicant's claimed system as

follows.

As described in Claims 1, 14, 17, 33 and 47;

        a.   an in-store controller (614) for processing at least one message

relating to a retail refueling environment (see col. 25, lines 17-31) as well

as fig 3H and Kolls' Claim 1);

        b.   a server module (632), connected to the in-store controller,

comprising at least one of a transmitter and a receiver (558);

        c.   at least one client module (630B) comprising at least one of a

transmitter and a receiver (606A and B);

        d.   at least one service device (628) or peripheral device (646),

connected to the at least one client module, for processing the at least one

message (see col. 18, lines 4-16);

        e.   a wireless communication link for communicating the at least one

message between the at least one of a transmitter and a receiver in the

server module and the at least one of a transmitter and a receiver in the at

least one client module **operable** *to receive and wirelessly transmit the at*

least one message to at least one client module (note again, for example,

transceivers (606A and B));

f.   the at least one message is formatted according to a protocol link

layer for transmission of at least one data packet, the at least one data

packet comprising wired connection protocol information for a retail

refueling environment;

(See col. 18, lines 4-16 and lines 29-48, noting that TCP/IP necessarily

works by using protocols to allow data communications across networks

connecting various devices such as servers, PC's or handheld wireless

devices.)

Note that the at least one client module at the retail refueling facility

comprises at least one wireless transmitter and receiver (by VSAT satellite

communication or other wired or wireless means, for example—see col.

19, lines 54-64) and is *operable to interface the in-store controller with at*

least one service device (note that service device can be construed to be

a card reader, service center, remote computer, etc.—see col. 19, lines

53-65, for example), wherein the at least one service device is operable to

provide services to the retail refueling environment in response to the at

least one message;

Note that the credit bureau provides services such as credit checks in communication with the card reader at the retail refueling POS, such as a gas pump, which sends polling messages between the card reader and the credit bureau remote server.

Regarding newly added claim language that the wireless transmitter or receiver is **operable** *to automatically configure at least one service device for interfacing the in-store controller,* note that figure 12 describes a "self-configuring routine (1000). See also col. 29, line 51-col. 30, line 26. Note that in order to meet the claim, Kolls' system only has to be "operable" to perform a self-configuring routine. It would have been obvious for one ordinarily skilled in the art to have used such a self-configuring routine as Kolls suggests the interoperability of the various components of the system, such as in-store controller (614), server module (632), receiver (558), client module (630B), service device (628) or peripheral device (646) at col. 15, lines 19-31, which describes "implementing a plurality of systems (500) networked together with PC (630)..." It also states that "any number of servers, POS systems, PMS/MIS systems and remote locations can be controlled by way of network (600).

Regarding the newly added claim language concerning the in-store device comprising a third party device, note that this is construed as arbitrary to

the operation of the system, since whether the device is made by the

same entity or not does not cause the system to operate differently.

Kolls does not expressly disclose, but Meier discloses the use of a first wireless

link (13, 15 or 17) and a second wireless link (19) to handle transmission of a message

between components of the computer system.

Both Kolls and Meier are analogous art because Kolls refers to the use of

wireless systems as an alternative to other hardwired systems, and Meier concerns use

of a wireless RF network.

At the time of the invention, it would have been obvious to one of ordinary skill in

the art to have used a wireless RF network having various base stations (19 or 21),

which act as a second wireless link with a first wireless link, such as wireless terminals

(13, 15 or 17), so as to communicate data and messages through the system. See

figures 1, 9 or 10, for example.

The suggestion/motivation would have been to ensure proper network coverage

of an area without adding extra cable or wire. See Meier, col. 33, lines 10-33 and col.

34, lines 1-27.

Note also that Kolls discloses using wireless systems as an alternative to

hardwired systems. See, for example, Kolls, col. 13, lines 45-67 and col. 14, lines 1-6,

col. 16, lines 13-35, col. 18, lines 4-16 and 29-48 and col. 19, lines 1-7, for example.

Kolls further discloses the following.

As described in Claims 2 and 18;

> f.   the processing further comprises generating the at least one
>
> message (see col. 18, lines 4-16);

As described in Claims 3 and 19;

> g.   the processing further comprises extracting the at least one
>
> message (see col. 18, lines 4-16);

As described in Claims 4, 20 and 34;

> h.   a serial interface for connecting the in-store controller to the server
>
> module (see col. 13, lines 45-47);

As described in Claims 5, 21 and 35;

> i.   a serial interface for connecting each of the at least one client
>
> module to a corresponding one of the at least one service device (see col.
>
> 13, lines 45-47);

As described in Claim 7;

> j.   the service device comprises a tank gauge monitor (see col. 4,
>
> lines 23-26, noting that tank level monitoring is a maintenance function
>
> necessary for the operation of the dispensing of the product of the gas
>
> dispenser);

As described in Claim 9;

> k.   the at least one service device comprises a leak detection system
>
> (see col. 4, lines 23-26, noting that leak detection monitoring is a

maintenance function necessary for the operation of the dispensing of the

product of the gas dispenser);

As described in Claim 10;

l. the at least one message comprises leak detection information (see

col. 4, lines 23-26, noting that leak detection monitoring is a maintenance

function necessary for the operation of the dispensing of the product of the

gas dispenser);

As described in Claim 11;

m. the at least one message comprises customer transaction

information (see fig. 13, elements (1110 and 1112));

As described in Claims 12, 22, 37 and 48;

n. the at least one message is formatted according to a protocol link

layer for transmission of at least one data packet, the at least one data

packet comprising wired connection protocol information for a retail

refueling environment (see col. 18, lines 4-16 and lines 29-48, noting that

TCP/IP necessarily works by using protocols to allow data

communications across networks connecting various devices such as

servers, PC's or handheld wireless devices);

As described in Claim 13;

o. the at least one service device comprises at least one of a car wash

controller, a satellite digital interface unit (see abstract), and a price board

controller;

As described in Claim 14;

     p.   an indoor payment terminal (638, for example) for processing at least one message relating to a retail fueling environment;

As described in Claims 15 and 40;

     q.   the at least one peripheral device comprises at least one of a customer display (500), a pin-pad, a journal printer, a receipt printer, a keyboard, an input mouse, a touchscreen, a barcode scanner, a cash drawer, a check approval interface, a surveillance camera, and a money order machine (see figure 6a);

     r.   the peripheral device is at least one of a smartcard reader (638) and an automated refueling robot controller;

As described in Claims 24, 25 or 38;

     s.   the POS network controller (614 or 630) or dispenser controller (640) or forecourt controller device comprises a customer access terminal (CAT) network controller (650);

As described in Claims 26 and 39;

     t.   at least one user interface device (182) communicating with the CAT controller board via a wireless interface;

As described in Claim 27;

     u.   the POS network controller comprises a pump network controller (again, see figure 3H) ;

As described in Claims 28 and 41;

          v.   the forecourt controller device comprises a pump controller (see

figure 3H);

As described in Claims 29 and 42;

          w.   at least one fuel dispensing component communicating with the

pump computer via a wireless interface (see abstract and figure 3H);

As described in Claims 31 and 44;

          x.   a dispenser control board (DCB) (640);

3.   Claims 6, 8, 16, 23, 30, 32, 36, 43, 45, 46 and 49-56 are rejected under 35

U.S.C. 103(a) as being unpatentable over Kolls in view of Meier and further in view of

Dickson (US 6,574,603 B1). Kolls discloses the system described above. Kolls further

discloses the following.

As described in Claim 49;

          y.   the at least one message is further formatted to include a source

address field identifying the address of a transmitter module that performs

the step of transmitting (note that this is what TCP/IP protocol is, as

mentioned throughout Kolls, specifically at col. 18, lines 4-49);

As described in Claim 50;

          z.   the at least one message is further formatted to include a

destination address field identifying the address of a receiver module that

performs the step of receiving (see col. col. 18, lines 4-49);

As described in Claim 51;

      aa.   the at least one message is further formatted to include a message command field, the message command field indicating at least one of an attachment of a data packet, an acknowledgement/non-acknowledgement response, an in-range inquiry, and an in-range response (see col. 18, lines 4-49);

As described in Claim 52;

      ab.   the at least one message is further formatted to include at least one of a message sequence number field, and a message length field indicating a total length of the at least one message (col. 18, lines 4-49);

As described in Claim 53;

      ac.   the at least one message is further formatted to include at least one of a start-of-text field, an end of text field, and a cyclical redundancy field check (note that this would be expedient for one ordinarily skilled in the art to include in an email system, which handles text message creation and communication);

As described in Claim 54;

      ad.   the at least one data packet comprises customer transaction information (col. 18, lines 4-49);

As described in Claim 55;

      ae.   the at least one data packet comprises a pump control information (col. 18, lines 4-49);

As described in Claim 56;

> af.   the at least one data packet comprises a customer identification
>
> information (col. 18, lines 4-49);

Kolls et al does not expressly disclose, but Dickenson et al discloses the

following.

As described in Claim 8;

> ag.   the at least one message comprises refueling tank level information
>
> (see Dickson et al, US 6,574,603 B1), col. 11, lines 44-50;

As described in Claims 6, 16, 23 and 36;   ,

> ah.   wherein the wireless communication link (see figure 4D and Claim
>
> 1 of Dickson, for example, which mentions wireless communications)
>
> comprises a spread spectrum communication link (note that spread
>
> spectrum is considered a functional equivalent to blue tooth, cell phone
>
> network, etc., as these are standard wireless systems);

As described in Claims 30, 32 and 45;

> ai.   the POS network controller comprises a radio frequency
>
> identification system (RFID) controller (see col. 8, lines 38-45);

As described in Claim 43;

> aj.   the fuel dispensing component comprises at least one of a
>
> price/volume display (96), a stop button, an emergency stop button, a

select-to-start button (102), a push-to-start button (102), a nozzle boot

microswitch, a valve, a vapor recovery system , and an automatic

refueling robot (see col. 11, lines 44-50);

As described in Claim 46;

ak.   the customer identification device comprises at least one of a bezel

reader, a card reader (92), a smart card transceiver, a tag transceiver (see

col. 8, lines 38-45), a nozzle antenna reader, a handheld reader, and a

vehicle on board system;

Both Kolls and Dickson et al are considered analogous art since they concern

use of the internet for networking of fuel dispensers in a vehicle fueling environment.

At the time of the invention, it would have been obvious to a person of ordinary

skill in the art to have provided the refueling tank level means, wireless communication

link, RFID controller, price/volume display (for example), or tag transceiver of Dickson et

al to the system of Kolls.

The suggestion/motivation would have been to provide a secure and efficient

means of interface with customers. See abstracts of Dickson et al and Kolls.

Therefore, it would have been obvious to obtain the invention as described in

Claims 6, 8, 16, 23, 30, 32, 36, 43, 45, 46 and 49-56.

Response to Arguments

4.   Applicant's arguments filed 12/14/06 have been fully considered but they are not

persuasive. Applicant asserts that Kolls' POS 614 and server 632 are not connected.

However, they are connected in that they communicate with each other through LAN

(622) which is disclosed as being either wired or wirelessly connected at Kolls, col. 19,

lines 53-64. Regarding the connection of PC630B with the laptop print station (646), as

Applicant points out, such a connection is created by the communication through

second LAN 626) and concentrator (608) as illustrated in figure 5B. It is clear that such

communication amounts to a connection between the PC630B and the laptop print

station. Such a laptop must also have an address on the system for establishing such

communication. This is, at the very least, suggested, if not outright taught by Kolls at

col. 29, line 51-col. 30, line 26, which mentions self-configuring routine (1000), which

describes several ways of addressing vending machines or by implication, other devices

on the system. *Such addressing is considered to be a type of configuration routine.*

Again, note that the system only has to be **operable** to automatically configure at

least one service device for interfacing the in-store controller, and that this is done by

the "self-configuring routine (1000). It would have been obvious for one ordinarily

skilled in the art to have used such a self-configuring routine as Kolls suggests the

interoperability of the various components of the system, such as in-store controller

(614), server module (632), receiver (558), client module (630B), service device (628) or

peripheral device (646) at col. 15, lines 19-31, which describes "implementing a plurality

of systems (500) networked together with PC (630)..." It also states that "any number

of servers, POS systems, PMS/MIS systems and remote locations can be controlled by

way of network (600). Not also that autoconfiguration in the form of "plug and play"

devices is considered to be common and is described in Kolls at col. 12, lines 23-44, and more particularly, lines 23-28.

Regarding wireless transceivers (606a and 606b), these are "adapted" as called for in the claims, to wirelessly transmit or data communicate a message between the transmitter/receiver of the communication module and the transmitter/receiver of the client module. On Koll's network, any one of a number of devices, as described above, may be connected to the network, and are considered to be clients of the server.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is

(571)272-6943. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571)272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAS

January 27, 2007

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